

Appln No. 09/825,708

Amdt date August 4, 2005

Reply to Office action of May 5, 2005

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1 - 22 are now in the application.

The Examiner has allowed Claims 1 - 15.

The Examiner has rejected Claims 16 - 19 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,697,325 to Cain. Claims 16 - 19 each call for "frames" and/or "control frames." The Applicant has previously submitted that Cain does not discuss frames. The Examiner has responded that the "protocol messages" disclosed in Cain are frames, as they "are packets or logical units of data," referring to a dictionary definition of the term "frame" in Newton's Telecomm Dictionary, 20th ed., 2004. Specifically, the Examiner contends that "Newton's Telecomm Dictionary, 20th ed., 2004, defin[es] frame as a packet, a generic term specific to a number of data communications protocols, or a logical unit of data." However, a closer look at the cited dictionary entry reveals further qualifications overlooked by the Examiner. In particular, the cited definition further provides that:

Each fragment [of a larger set of data, such as a packet or logical unit of data] is packaged into a frame format, which comprises a header, payload, and trailer. The header prepends (prepend means added to the front of) the payload and includes a beginning flag, or set of framing bits, which are used for purposes of both frame delineation (beginning of the frame) and synchronization of the receiving device

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with the speed of transmission across the transmission link. . . Also included in the header are control information (frame number), and address information (e.g., originating and terminating addresses). Following the header is the payload, which is the data unit (fragment) being transmitted. Appending the payload is the trailer, which comprises data bits used for error detection and correction, and a final set of framing bits, or ending flag, for purposes of frame delineation (ending the frame). . . .

It is apparent from the quotation above that while a frame is a certain type of data packet or logical unit of data, not every data packet or logical unit of data is a frame. Only a data unit (or packet) that also satisfies the qualifications provided above can be viewed as a "frame."

The portions cited by the Examiner from Cain against Applicant discuss shortest path algorithms in a communication network. Cain, col. 1, lines 13-59. The data routed within the network is referred to merely as "messages." See, e.g., line 30. Nowhere in Cain are these messages defined to satisfy the definition of "frame" cited by the Examiner. Cain does not even use the terms "packet" or "logical unit of data." Hence, even the incomplete portions of the definition of frame quoted by the Examiner are not satisfied by Cain. Indeed, the Applicant could not find any suggestion of fragmentation of the "messages" referred to in Cain (no discussion of data blocks, packets, units, fragments, etc.). Therefore, the Applicant submits that Claims 16 - 19 are not anticipated by Cain.

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The Examiner has also rejected Claims 20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Cain in view of U.S. Patent No. 5,461,608 to Yoshiyama. However, the Examiner again relies on Cain to disclose the "control frames" called for in Claims 20 and 22. But neither Cain nor Yoshiyama disclose "frames." Therefore, Claims 20 - 22 are not unpatentable over Cain in view Yoshiyama.

The Examiner has further rejected Claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Cain in view of U.S. Patent No. 6,606,352 to Cain (Cain II). However, the Examiner again relies on Cain to disclose the "control frames" called for in Claim 21. But neither Cain nor Cain II disclose "frames." Therefore, Claim 21 is not unpatentable over Cain in view Cain II.

Accordingly, in view of the above remarks, it is submitted that the Claims are patentably distinct over the prior art and that all rejections to the Claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,

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